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9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 UNIVERSAL DYEING & PRINTING,
13 INC.,

14 Plaintiff,

15 v.

16
17 KNITWORK PRODUCTIONS II, LLC, a
New York limited liability company;
18 DOLGENCORP, LLC, a Kentucky limited
19 liability company; and DOES 1 through 10,

20 Defendants.
21

Case No.:

PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

22 UNIVERSAL DYEING & PRINTING, INC., by and through its undersigned
23 attorneys, hereby prays to this honorable Court for relief based on the following:

24 **JURISDICTION AND VENUE**

25 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101
26 *et seq.*
27

1 at all times acting within the scope of such agency, affiliation, alter-ego relationship
2 and/or employment; and actively participated in or subsequently ratified and/or
3 adopted each of the acts or conduct alleged, with full knowledge of all the facts and
4 circumstances, including, but not limited to, full knowledge of each violation of
5 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

6 **CLAIMS RELATED TO DESIGN NO. UA 14823**

7 9. Plaintiff owns an original two-dimensional artwork used for purposes of
8 textile printing entitled UA 14823 ("Subject Design") which has been registered with
9 the United States Copyright Office.

10 10. Prior to the acts complained of herein, Plaintiff widely disseminated fabric
11 bearing Subject Design A to numerous parties in the fashion and apparel industries.

12 11. Plaintiff is informed and believes and thereon alleges that following its
13 distribution of Subject Design, KNITWORK, DOLGEN, DOE Defendants, and each
14 of them distributed and/or sold fabric and/or garments featuring a design which is
15 substantially similar to Subject Design (hereinafter "Subject Product") without
16 Plaintiff's authorization, including but not limited to:

- 17 a. Garments bearing the label "Say What?" and RN 94522, indicating
18 that it was manufactured by or for KNITWORK.
- 19 b. Garments bearing Item No. 430000455614 and bearing the label
20 "Say What?" and RN 67227, indicating that it was manufactured by
21 or for DOLGEN.
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1 12. An image of Subject Design and an exemplar of Subject Product are set
2 forth hereinbelow:

3 **Subject Design**



Subject Product



15
16 **FIRST CLAIM FOR RELIEF**

17 (For Copyright Infringement - Against All Defendants, and Each)

18 13. Plaintiff repeats, realleges and incorporates herein by reference as though
19 fully set forth the allegations contained in the preceding paragraphs of this
20 Complaint.

21 14. Plaintiff is informed and believes and thereon alleges that Defendants, and
22 each of them, had access to Subject Design, including, without limitation, through
23 (a) access to Plaintiff's showroom and/or design library; (b) access to illegally
24 distributed copies of Subject Designs by third-party vendors and/or DOE
25 Defendants, including without limitation international and/or overseas converters
26 and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) access to
27

1 garments in the marketplace manufactured with lawfully printed fabric bearing
2 Subject Designs.

3 15. Plaintiff is informed and believes and thereon alleges that one or more of
4 the Defendants manufactures garments and/or is a garment vendor. Plaintiff is
5 further informed and believes and thereon alleges that said Defendant(s), and each of
6 them, has an ongoing business relationship with Defendant retailers, and each of
7 them, and supplied garments to said retailers, which garments infringed Subject
8 Designs in that said garments were composed of fabric which featured unauthorized
9 print designs that were identical or substantially similar to Subject Designs, or were
10 an illegal modification thereof.

11 16. Plaintiff is informed and believes and thereon alleges that Defendants, and
12 each of them, infringed Plaintiff's copyright by creating, making and/or developing
13 directly infringing and/or derivative works from Subject Designs and by producing,
14 distributing and/or selling Subject Products through a nationwide network of retail
15 stores, catalogues, and through on-line websites.

16 17. Due to Defendants', and each of their, acts of infringement, Plaintiff has
17 suffered damages in an amount to be established at trial.

18 18. Due to Defendants', and each of their, acts of copyright infringement as
19 alleged herein, Defendants, and each of them, have obtained profits they would not
20 otherwise have realized but for their infringement of Subject Designs. As such,
21 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits
22 attributable to the infringement of Subject Designs in an amount to be established at
23 trial.

24 19. Plaintiff is informed and believes and thereon alleges that Defendants, and
25 each of them, have committed copyright infringement with actual or constructive
26 knowledge of Plaintiff's rights such that said acts of copyright infringement were,
27 and continue to be, willful, intentional and malicious.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment as follows:

- a. That Defendants—each of them—and their respective agents and servants be enjoined from importing, manufacturing, distributing, offering for sale, selling or otherwise trafficking in any product that infringes Plaintiff’s copyrights in Subject Designs;
- b. That Plaintiff be awarded all profits of Defendants, and each of them, plus all losses of Plaintiff, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;
- c. That Plaintiff be awarded its attorneys’ fees as available under the Copyright Act U.S.C. § 101 et seq.;
- d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- e. That Plaintiff be awarded the costs of this action; and
- f. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7th Amendment to the United States Constitution.

Dated: July 27, 2017

DONIGER/BURROUGHS

By: /s/ Stephen M. Doniger
Stephen M. Doniger, Esq.
Frank Gregory Casella, Esq.
Attorneys for Plaintiff